



Agenda Item Number: _____

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: August 22, 2006

Department: Zoning, Building & Planning **Staff Contact:** Enrico Gradi, Program Planner

TITLE: APPEAL: Denial of a Zone Change from R-1 to C-N (CO-60013/CSU-60013)

COUNTY PLANNING COMMISSION RECOMMENDATION:

Denial of a Zone Change

SUMMARY:

At the July 12, 2006, public hearing, the County Planning Commission voted 5-1 (Commissioner Holcomb excused and Commissioner McMahan opposed) to deny a request for a Zone Change to from R-1 to C-N on Lot 1, Little Gardens Subdivision, located at 1209 Islet Boulevard SW, containing approximately .53 acres. The decision was based on six Findings.

At the July 12, 2006, public hearing, the County Planning Commission (CPC) found that the requested zone change from R-1 to C-N conflicted with Resolution 116-86 based on several findings. The CPC determined that the proposed land use is detrimental to the public interest, health, safety, and general welfare of the area because several of the permissive uses allowed within the C-N zone may impact the adjacent residential properties in the area due to noise, dust, traffic, and outdoor storage.

In addition, the CPC determined that this request conflicts with Resolution 116-86 in that the Albuquerque/Bernalillo County Comprehensive Plan encourages small-scale, locally owned and operated industry that complements residential areas, several uses in the C-N zone contain permissive uses which do not compliment the surrounding residential uses.

The applicant's appeal application states that this request is consistent with the Southwest Area Plan, which promotes C-N zoning in Village centers. The applicant also states that many properties in the surrounding area are zoned C-1, which allows more intense commercial uses than the C-N zone.

The criteria for considering zone map changes and special use permit applications require that the applicant demonstrate that the existing zoning is inappropriate because (1) there was an error when the existing zone map pattern was created or (2) changed neighborhood or community conditions justify the land use change or (3) a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other land use plan adopted by the Board of County Commissioners even though (1) or (2) do not apply.

ATTACHMENTS:

1. Appeal Application (August 1, 2006).
2. County Planning Commission Notification of Decision Letter (July 14, 2006).
3. County Planning Commission Information Packet.
4. County Planning Commission Minutes (July 12, 2006).

STAFF ANALYSIS SUMMARY**ZONING, BUILDING & PLANNING DEPARTMENT**

Staff recommends denial of the appeal.